

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RICHARD CLARK,	:	Case No. C-1-01-846
	:	
Plaintiff,	:	Judge Spiegel
	:	
vs.	:	PLAINTIFF'S UNOPPOSED
	:	MOTION FOR EXTENSION OF
HAMILTON COUNTY, et al.,	:	TIME TO COMPLETE
	:	DISCOVERY AND TO FILE
Defendants.	:	MEMORANDA IN OPPOSITION
	:	TO DEFENDANTS' MOTIONS
	:	<u>FOR SUMMARY JUDGMENT</u>
	:	

MOTION

Comes now the Plaintiff, by and through counsel, and pursuant to FRCP 56(f) and Local Rule 7.3 of the Local Rules of the United States District Court for the Southern District of Ohio, respectfully moves this Court for a forty-five (45) day extension until January 15, 2004 to complete discovery in this matter. Plaintiff further requests that his memoranda in opposition to the motions for summary judgment which have been filed by the defendants (Doc. 15, 28) be due on February 2, 2004. Counsel for all defendants have been contacted and have indicated that they have no objection to the requested extensions. The grounds for this motion are more fully set forth in the following memorandum in support.

Memorandum in Support

The discovery deadline in this matter had originally been set for November 1, 2003 pursuant to the court's preliminary pretrial order. (Doc. 13). Defendants Kohn and CMS subsequently filed a motion for summary judgment. (Doc. 15). Plaintiff filed a motion pursuant to FRCP 56(f) seeking additional time to complete discovery prior to responding to the defendants' motion. (Doc. 18). Plaintiff's motion requested additional time to "take the

deposition of defendant Kohn as well as to complete paper discovery.” (Doc. 18 at p. 2). This motion was granted by the court in an order which reset the discovery deadline to December 1, 2003 and made plaintiff’s response to the defendants’ motion for summary judgment due on December 15, 2003. (Doc. 25). Subsequent to the court’s order a motion for summary judgment has been filed by defendants Simon Leis and Hamilton County. (Doc. 28).

Despite the exercise of due diligence the parties have not been able to complete discovery within the period of time granted by the court. Specifically, counsel for defendant Kohn has not been able to make his client available for deposition during that time period. Defendant Kohn apparently moved from the address known to her counsel. Correspondence was sent to defendant Kohn’s last known address. According to correspondence forwarded to plaintiff’s counsel, counsel for defendant Kohn had no way to reach her until she contacted him. Defendant Kohn finally contacted her counsel on December 1, 2003. The parties now require time in which to take her deposition as well as to complete paper discovery.

For good cause shown the plaintiff respectfully requests that the Court grant plaintiff until January 15, 2004 to complete discovery. Plaintiff’s memorandum in opposition to both pending motions to suppress should therefore be due on before February 2, 2004. This extension should have no impact upon the pending trial date of April 20, 2004.

Respectfully submitted,

s/ Paul M. Laufman
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CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2003 a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Paul M. Laufman